

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RONALD WAYNE ROBINSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JANINE ROBINSON,

Respondent-Appellant,

and

RONALD ARTHUR ROBINSON,

Respondent.

In the Matter of RONALD WAYNE ROBINSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RONALD ARTHUR ROBINSON,

Respondent-Appellant,

and

JANINE ROBINSON,

Respondent.

UNPUBLISHED
May 28, 2009

No. 288244
Kent Circuit Court
Family Division
LC No. 08-052821-NA

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Before: Sawyer, P.J., and Murray and Stephens, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the termination of their parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (j). We affirm.

This Court reviews the trial court's findings that a statutory ground for termination has been established by clear and convincing evidence, and that termination is in the best interests of the child, MCL 712A.19b(5), under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

No clear error occurred. First, there was no dispute that respondents' parental rights to their daughter Charlotte were terminated in June 2008, less than two weeks before the minor child Ronald was born, because of environmental neglect, respondent-mother's emotional instability and prior termination of her parental rights to another child, and respondent-father's long-term alcohol abuse and his mental illness.¹ This finding was sufficient to support termination pursuant to MCL 712A.19b(3)(i). The evidence also supported the trial court's finding that the conditions that led to adjudication had not been rectified. Although respondent-mother took some steps to improve her situation, they were insufficient to demonstrate clear error in the trial court's ruling that she would not be able to provide proper care and custody within a reasonable time and that the minor child would likely be harmed if returned to her care. Respondent-mother's involvement with CPS dated back to 1993. The environmental neglect of her home had been an ongoing and unresolved concern since that time. Even faced with the imminence of the termination of her parental rights to her newborn son, respondent-mother was unable to maintain suitable housing and was not able to completely sever her ties to respondent-father, whose alcohol abuse prevented him from being appropriate around her or his children.

Respondent-father argues that he never had an opportunity to provide care and custody of his son since the child was taken directly from the hospital into foster care. He acknowledges on appeal that he did not have a home to provide for the child, but contends that there was no evidence that he would not have been able to provide a home within a reasonable time with assistance. We disagree. The evidence presented to the trial court clearly and convincingly established that respondent-father had failed to provide proper care or custody to his daughter, Charlotte, during the year before the birth of his son. He had an alcohol abuse problem for over 27 years, was unable to maintain a safe and stable home for either himself or his children, and currently refused to participate in rehabilitative services to address his mental health issues and alcohol abuse. The supposition that perhaps respondent-father would be able to obtain and

¹ This Court affirmed these terminations in the consolidated appeals, *In re Charlotte Ann Robinson*, unpublished opinion per curiam of the Court of Appeals, issued February 24, 2009 (Docket Nos. 286596, 286597).

maintain suitable housing sometime in the future does not render the trial court's finding to the contrary clearly erroneous.

Furthermore, given the prior terminations of parental rights and the long-term nature of respondents' issues, the trial court did not err in finding that termination of their parental rights was in the best interests of their infant son. MCR 712A.19b(5).

Affirmed.

/s/ David H. Sawyer

/s/ Christopher M. Murray

/s/ Cynthia Diane Stephens